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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/761,173 | 01/16/2001 | Russell Dellmo | GCSD-1131 (51211) | 4910 |

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EXAMINER

TRAN, TONGOC

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| ART UNIT | PAPER NUMBER |
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2134

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/761,173

Applicant(s)

DELLMO ET AL.

Examiner

Tongoc Tran

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This office action is in response to Applicant's amendment filed on 11/22/2004.
Claims 1-51 are pending.

Response to Arguments

2. Applicant's arguments filed on 11/22/2004 have been fully considered but they are not persuasive. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Treadaway et al. disclose each MAC unit includes an encryption apparatus for encrypting/decrypting incoming or outgoing data packets (e.g. Treadaway, col. 23, lines 47-66). Schneck et al. Disclose a coprocessor is protected by tamper detection that causes cryptographic data to be destroyed. Means are used to effect such destruction. Semiconductor memory is volatile and does not retain data when power is removed (e.g. Schneck, [0067]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Treadaway's encryption apparatus with Schneck's protective mechanism that causes cryptographic data to be destroyed to protect data from being tampered because without such protection encryption data such as private key once it's being compromised will be

unable to decrypt any protected data and must be returned to an authorized service facility for installation of a new private key (Schneck, [0067]).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16, 8, 10, 13-18, 21, 24-28, 30-34, 36-41 and 43-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Treadaway et al. (U.S. Patent No. 6,480,477, hereinafter Treadaway) in view of Schneck et al. (U.S. PGPUB 2001 /0021926A1, hereinafter Schneck) and Bambridge et al. (U.S. Patent No. 6,259,933, hereinafter Bambridge).

In respect to claim 1, Treadaway discloses a secure wireless local area network (LAN) device comprising: a wireless transceiver; a media access controller (MAC); and a cryptography circuit carried by said housing and connected to said MAC and said wireless transceiver (Treadaway, col. 3, lines 35-58 and col. 4, lines 8-11),

Treadaway does not disclose but Schneck discloses said cryptography circuit operating using cryptography information and rendering unusable the cryptography information based upon tampering (Schneck, [0067]). It would have been obvious to one of ordinary skill in the art at the time the invention was

made to incorporate the teaching of Schneck's rendering cryptography information unusable upon tampering with Treadaway's teaching of including cryptographic apparatus in the MAC device in order to protect the cryptographic information from tampering.

Furthermore, Treadaway does not explicitly disclose but Bambridge discloses a MAC board is mounted within a housing (Bambridge, col. 5, lines 25 40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bambridge to include a housing unit with the teaching of Treadaway's MAC that including cryptographic apparatus and wireless transceiver in order to protect security protection.

In respect to claim 2, Treadaway, Schneck and Bambridge disclose the secure wireless LAN device according to Claim 1 wherein said cryptography circuit comprises:

at least one volatile memory for storing the cryptography information; and a battery for maintaining the cryptography information in said at least one volatile memory (Schneck, [0067]).

In respect to claim 3, Treadaway, Schneck and Bambridge disclose the secure wireless LAN device according to Claim 2 wherein said cryptography circuit further comprises at least one switch operatively connected to said housing for disconnecting said battery from said at least one volatile memory so that the cryptography information therein is lost based upon breach of said

housing (Schneck, [0067]).

In respect to claim 4, Treadaway, Schneck and Bambridge disclose the secure wireless LAN device according to Claim 1 wherein said cryptographic information comprises a cryptography key (Treadaway, col. 23, lines 47-67).

In respect to claim 5, Treadaway, Schneck and Bambridge disclose secure wireless LAN device according to Claim 1 wherein said security information comprises at least a portion of a cryptography algorithm (Treadaway, col. 23, lines 47-67).

In respect to claim 6, Treadaway, Schneck and Bambridge disclose secure wireless LAN device according to Claim 1 wherein said MAC implements a predetermined wireless LAN MAC protocol (Treadaway, col. 6, lines 57-67).

In respect to claim 8, Treadaway, Schneck and Bambridge disclose the secure wireless LAN device according to Claim 1 further comprising at least one connector carried by said housing for connecting to at least one of a user station and an access point (Treadaway, col. 3, lines 35-50 and col. 27, lines 28-40).

In respect to claim 10, Treadaway, Schneck and Bambridge disclose the secure wireless LAN device according to Claim 1 wherein said cryptography circuit comprises:

a cryptography processor; and a control and gateway circuit connecting said cryptography processor to said MAC and said wireless transceiver (Treadaway, col. 3, lines 35-58 and col. 23, lines 47-67).

In respect to claim 13, the claim limitation is substantially similar to claims

1 and 8. Therefore, claim 13 is rejected based on the similar rationale.

In respect to claims 14-18 and 21, the claim limitations are substantially similar to claims 2-6 and 10. Therefore, claims 14-18 and 21 are rejected based on the similar rationale.

In respect to claim 24, the claim limitation is substantially similar to claims 1 and 2. Therefore, claim 24 is rejected based on the similar rationale.

In respect to claims 25-28, the claim limitations are substantially similar to claims 3-7. Therefore, claims 25-28 are rejected based on the similar rationale.

In respect to claim 30, the claim limitation is substantially similar to claims 1, 2 and 8. Therefore, claim 30 is rejected based on the similar rationale.

In respect to claims 31-34, the claim limitations are substantially similar to claims 3-6. Therefore claims 31-34 are rejected based on the similar rationale.

In respect to claim 36, the claim limitation is substantially similar to claims 1 and 8. Therefore, claim 36 is rejected based on the similar rationale.

In respect to claims 37-41, and 43-44, the claim limitations are substantially similar to claims 2-6 and 8. Therefore, claims 37-41 and 43-44 are rejected based on the similar rationale.

In respect to claims 46-50, the claim limitations are method claims that are substantially similar to the system claims 1 and 3-6. Therefore, claims 46-50 are rejected based on the similar rationale.

4. Claims 7, 9, 19-20, 29, 35, 42 and 51 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Treadaway et al. (U.S. Patent No. 6,480,477, hereinafter Treadaway) in view of Schneck et al. (U.S. PG PUB 200110021926A1, hereinafter Schneck) and Bambridge et al. (U.S. Patent No. 6,259,933, hereinafter Bambridge) and further in view of Baldwin et al. (U.S. Patent No. 6,560,448, hereinafter Baldwin).

In respect to claim 7, Treadaway, Schneck and Bambridge disclose the secure wireless LAN device according to Claim 6 wherein said predetermined wireless LAN MAC protocol is based upon the IEEE 802.3u standard but not the IEEE 802.11 standard. However, Baldwin discloses implementing IEEE 802.11 for wireless LAN communication protocol. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to improve the teaching of Treadaway with the teaching of Baldwin new standard in order to adapt to the new changes in the wireless local area network.

In respect to claim 9, Treadaway, Schneck and Bambridge do not disclose but Baldwin discloses a secure wireless LAN device wherein said at least one connector comprises a PCMCIA connector (Baldwin, col. 7, lines 12-41). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the teaching of PCMCIA connector taught by Baldwin with the teaching of secure wireless LAN taught by Treadaway for the benefit of implementing PCMCIA card that can be plugged in on a PC card slot.

In respect to claims 19-20, 29, 35, 42 and 51, the claim limitations are substantially similar to claims 7 and 9. Therefore, claims 19-20, 29, 35, 42 and 51 are rejected based on the similar rationale.

5. Claims 11 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Treadaway et al. (U.S. Patent No. 6,480,477, hereinafter Treadaway) in view of Schneck et al. (U.S. PG PUB 2001/0021926A1, hereinafter Schneck) and Bambridge et al. (U.S. Patent No. 6,259,933, hereinafter Bambridge) and further in view of Soliman (U.S. PG PUB 2002/0114288).

In respect to claim 11, Treadaway, Schneck and Bambridge do not disclose but Soliman discloses the secure wireless LAN device according to Claim 1 wherein said wireless transceiver comprises:

a baseband processor;

a modem connected to said baseband processor; and a radio frequency transmitter and receiver connected to said modem ([0076]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the different components of wireless transceiver taught by Soliman with Treadaway's wireless transceiver for these components are common found in typical wireless transceiver unit.

In respect to claim 22, the claim limitation is substantially similar to claim 11. Therefore, claim 22 is rejected based on the same rationale.

6. Claims 12 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Treadaway et al. (U.S. Patent No. 6,480,477, hereinafter Treadaway) in view of Schneck et al. (U.S. PGPUB 2001/0021926A1, hereinafter Schneck) and Bambridge et al. (U.S. Patent No. 6,259,933, hereinafter Bambridge) and further in view of Treadaway et al. (U.S. Patent No. 6,665,285, hereinafter Treadaway ['285]).

In respect to claim 12, Treadaway, Schneck and Bambridge do not disclose but Treadaway ['285] discloses at least one antenna carried by said housing and connected to said wireless transceiver (Treadaway ['285]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the components in the wireless LAN teaching of Treadaway ['285] with the teaching of Treadaway's secure wireless LAN for the broadcasting purposes.

In respect to claim 23, the claim limitation is substantially similar to claim 12. Therefore, claim 23 is rejected based on the similar rationale.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

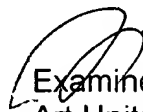
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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tongoc Tran whose telephone number is (571) 272-3843. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (571) 272-3838. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Examiner: Tongoc Tran
Art Unit: 2134

September 13, 2005


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SUPERVISORY PATENT EXAMINER
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